

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

This Document Relates to:
All Cases

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) MDL No. 1:13-md-2419-RWZ
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**MOTION BY OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR LEAVE
TO FILE JOINDER TO CHAPTER 11 TRUSTEE’S CONSOLIDATED REPLY TO
OPPOSITIONS OF LIBERTY INDUSTRIES, INC., TENNESSEE CLINIC
DEFENDANTS, SAINT THOMAS ENTITIES AND ASCENSION PARTIES TO
CHAPTER 11 TRUSTEE’S MOTION FOR ENTRY OF AN ORDER LIMITING
DISCOVERY AND STAYING THESE PROCEEDINGS WITH RESPECT
TO NECC INSIDERS AND RELATED SETTLING PARTIES**

The Official Committee of Unsecured Creditors (the “Official Committee”) of New England Compounding Pharmacy, Inc. (“NECC”) respectfully moves, in accordance with Rule 7.1(b)(3) of the Local Rules of this Court, for leave to file a brief joinder, in the form attached as **Exhibit 1** hereto, to the *Chapter 11 Trustee’s* (the “Trustee”) *Consolidated Reply to Oppositions of Liberty Industries, Inc., Tennessee Clinic Defendants, Saint Thomas Entities and Ascension Parties to Chapter 11 Trustee’s Motion for Entry of an Order Limiting Discovery and Staying These Proceedings With Respect to NECC Insiders and Related Settling Parties* (the “Proposed Reply”), attached as Exhibit 1 to the Trustee’s motion for leave to file same [Dkt. No. 1404]. The Official Committee fully supports the relief requested by the Trustee in his *Motion for Entry of an Order Limiting Discovery and Staying These Proceedings with Respect to NECC Insiders and Related Settling Parties* [Dkt. No. 1342] and desires to formally, briefly join in his Proposed Reply to the objections submitted thereto.

WHEREFORE, for the foregoing reasons, the Official Committee respectfully requests that this Court grant them leave to file a brief joinder to the Proposed Reply.

Dated: September 16, 2014

Respectfully submitted,

BROWN RUDNICK LLP

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Unsecured Creditors of New England
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EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

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All Cases

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**JOINDER OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS
TO CHAPTER 11 TRUSTEE'S CONSOLIDATED REPLY TO OPPOSITIONS
OF LIBERTY INDUSTRIES, INC., TENNESSEE CLINIC DEFENDANTS,
SAINT THOMAS ENTITIES AND ASCENSION PARTIES TO CHAPTER
11 TRUSTEE'S MOTION FOR ENTRY OF AN ORDER LIMITING
DISCOVERY AND STAYING THESE PROCEEDINGS WITH RESPECT
TO NECC INSIDERS AND RELATED SETTLING PARTIES**

The Official Committee of Unsecured Creditors (the "Official Committee") of New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center ("NECC" or the "Debtor"), by and through its undersigned counsel, respectfully submits this joinder (the "Joinder") to the *Chapter 11 Trustee's Consolidated Reply to Oppositions of Liberty Industries, Inc., Tennessee Clinic Defendants, Saint Thomas Entities and Ascension Parties to Chapter 11 Trustee's Motion for Entry of an Order Limiting Discovery and Staying These Proceedings With Respect to NECC Insiders and Related Settling Parties* [Dkt. No. ____] (the "Reply") filed by the chapter 11 trustee (the "Trustee") of NECC.¹ In support of this Joinder, the Official Committee respectfully states as follows:

The Official Committee joins in and supports the Reply (the arguments and authorities of which are incorporated as if fully set forth herein). For the reasons set forth in the Reply, the Official Committee respectfully submits that the Opponents' objections are without merit and

¹ Capitalized terms not defined herein shall have the meaning ascribed to them in the Reply.

should be overruled. Accordingly, the Official Committee respectfully requests that this Court enter the order requested by the Trustee: an order limiting discovery of, and staying actions in this multidistrict litigation against, (i) those parties defined in the Plan Support and Funding Agreement dated May 2, 2014 executed by the Trustee and certain insiders of NECC as “Contributors”² and as “Contributor and Affiliate Released Parties”³, (ii) NECC’s affiliated landlord, GDC Properties Management, LLC and (iii) their respective insurers Pharmacists Mutual Insurance Company, Maxum Indemnity Company, and Preferred Mutual Insurance Company.

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² The “Contributors” are Barry Cadden, Lisa Cadden, Carla Conigliaro and Gregory Conigliaro.

³ The “Contributor and Affiliate Released Parties” are the Contributors and each of their respective spouses, children, parents, and other nuclear family members of each Contributor, all trusts under which the Contributors or their spouses or family members are settlors, trustees, or beneficiaries, the Affiliated Entities, and any other entities in which the Contributors or their spouse, children or other nuclear family members hold an interest, and those entities’ successors, assigns, and predecessors.

Dated: September __, 2014
Boston, Massachusetts

Respectfully submitted,

BROWN RUDNICK LLP

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*Counsel to the Official Committee of Unsecured
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Pharmacy, Inc.*

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CERTIFICATE OF SERVICE

I, Carol S. Ennis, hereby certify that on September 16, 2014, I caused a copy of the foregoing Motion to be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, by first class mail, postage prepaid.

Dated: September 16, 2014
Boston, Massachusetts

/s/ Carol S. Ennis
Carol S. Ennis

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